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## Chapter 21.66 – Amendments

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### 21.66.010 – Purpose

This chapter provides procedures for the amendment of the Local Coastal Program.

### 21.66.020 – Initiation of Amendment

An amendment may be initiated in the following manner:

- A. **Council.** By the Council, with or without a recommendation from the Commission;
- B. **Commission.** By the Commission;
- C. **Property Owner(s).** An amendment to the Coastal Land Use Plan Map or Coastal Zoning Map may also be initiated by the filing of an amendment application with the Department by the owner(s) or authorized agent(s) of property for which the amendment is sought. All owners or their authorized agents shall join in filing the application; or
- C. **Public Works/Energy Facilities.** Pursuant to California Public Resources Code Section 30515, any person or agency authorized to undertake a public works project or proposing an energy facility development may apply for an amendment to the Local Coastal Program if the purpose of the proposed amendment is to meet public needs of an area greater than that included within the Local Coastal Program that had not been anticipated by the person or agency making the request at the time the Local Coastal Program was before the Coastal Commission for certification. If, after review pursuant to the requirements of this Article, the City Council does not amend the Local Coastal Program, such person or agency may file a request for amendment to the Local Coastal Program with the Coastal Commission.

### 21.66.030 – Processing, Notice, and Hearing

If initiated by the filing of an amendment application:

- A. **Process.** The application shall be processed in compliance with Chapter 21.50 (Permit Application Filing and Processing).
- B. **Notice.** Notice of the public hearings shall be provided in compliance with Chapter 21.64 (Public Hearings).
- C. **Hearing.**
  - 1. The applicable review authority shall conduct one or more public hearings regarding the amendment.
  - 2. The public hearings shall be conducted in compliance with Chapter 21.62 (Public Hearings).

#### **21.66.040 – Required Findings**

An amendment to the Local Coastal Program may be approved by the City only if all of the following findings are first made.

- A. The proposed amendment is consistent with the General Plan, Coastal Land Use Plan, Coastal Act, and any applicable specific plan; and
- B. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

#### **21.66.050 – Commission Recommendation**

The Commission shall recommend approval, approval with modifications, or denial of the amendment to the Council.

- A. **Action by the Commission.**
  - 1. If approved or approved with changes, the Commission shall make and file a report of its findings and recommendations with the Council.
  - 2. Failure of the Commission to take action on the proposed amendment shall be deemed to be denial of the proposed amendment by the Commission.
- B. **Denial by the Commission.** If the proposed amendment is denied by the Commission, no further action shall be taken, unless appealed to the Council in compliance with Chapter 21.64 (Appeals).

#### **21.66.060 – Council Decision**

- A. **Time of Hearing.** The decision of the Council shall be rendered within sixty (60) days after the receipt of a report and recommendation of approval from the Commission or within sixty (60) days after the filing of an appeal of the Commission's action to deny the amendment.

- B. **Notice of Appeal.** Notice shall be given to the Commission of the appeal, and the Commission shall submit a report of its findings and recommendations to the Council specifying the reasons for the Commission's decision.
- C. **Council's Decision.** Upon receipt of the Commission's recommendation, the Council shall conduct a public hearing and either approve, approve in modified form, or deny the proposed amendment.
- D. **Referral.**
  - 1. If the Council proposes to adopt a substantial change to the amendment not previously considered by the Commission, the proposed change shall be first referred to the Commission for its recommendation.
  - 2. Failure of the Commission to take action on the proposed change within forty-five (45) days shall be deemed to be approval of the proposed change by the Commission.

#### **21.66.075 – Submittal to the Coastal Commission**

- A. Compliance with Coastal Act required. An amendment to the Local Coastal Program approved by the Council in compliance with this Chapter shall be prepared for submittal, filed with the Coastal Commission, and processed and decided by the Coastal Commission in compliance with the Coastal Act.
- B. **Submittal to the Coastal Commission.**
  - 1. **Frequency of submittals.** Only three submittals of proposed Local Coastal Program amendments shall be allowed in any single calendar year. However, there are no limitations on the number of amendments included in each of the three submittals.
  - 2. **Submittal.** Submittal of a Local Coastal Program amendment shall be made in compliance with the resolution adopted by the Council and submitted by the City to the Coastal Commission in compliance with Code of Regulations Section 13551.
  - c. **Contents.** The contents of the Local Coastal Program amendment application shall be in compliance with Code of Regulations Section 13552.
  - 3. **Notice of availability.** Notice of the availability of the review draft of the Local Coastal Program amendment shall be made as soon as the draft is available, but at a minimum of at least six (6) weeks before final City action on the document in compliance with Code of Regulations Section 13515(c).
- C. **Following action by Coastal Commission.**
  - 1. **Action by Coastal Commission.** After certification of a Local Coastal Program amendment, the Coastal Commission shall transmit copies of the resolution of certification and any suggested modifications and findings to the City in compliance with Code of Regulations Section 13544.5 (Effective Date of Certification of a Land Use Plan).

2. **Action by the City.** The City shall then:

- a. Acknowledge receipt of the Coastal Commission's resolution of certification including any terms or modifications which may have been required for final certification;
- b. Consider the terms and modifications; and
- c. Take appropriate action regarding the terms and modifications.

**21.66.085 – Effective Dates**

An amendment to the Local Coastal Program shall not become effective until final certification by the Coastal Commission, in compliance with the Public Resources Code and the Coastal Commission Administrative Regulations, and final approval by the Council.